

DRAWING AMENDMENTS

Please substitute the one Replacement Sheet submitted now
for the original drawing sheet.

REMARKS

The present amendment is submitted in an earnest effort to advance this case to issue without delay.

1. A replacement sheet is provided of the second sheet of the drawing and contains a reference character "AS" as required by the Examiner.

2. An Abstract of the Disclosure is submitted herewith. The Examiner may be incorrect in the requirement that an Abstract be in a single sentence form. It is believed that the Examiner had intended to indicate that the Abstract of the Disclosure be a single paragraph.

3. A Substitute Specification is enclosed eliminating the informalities noted by the Examiner. The term "vindications" no longer appears in the Substitute Specification.

The Substitute Specification does not contain any new matter. It is accompanied by a marked up version showing the changes made.

4. The priority claim acknowledgment in PTOL 326, paragraph 12, is appreciated.

5. Claims 1 to 7 have been replaced by new claims 9 to 12, carefully drafted in accordance with United States practice to define invention over the references of record.

New claim 9 corresponds to claim 2 which the Examiner has acknowledged as being free of the art. Claims 10 to 12 depend from claim 9 and are allowable therewith.

6. Outright allowance of claims 9 to 12 is believed to be in order.

7. Claim 8 recites a structure with a handle MH in which a piston GM subdivides the interior cavity to form an intermediate chamber CIM and a lower chamber CIF which communicates with the environment through the minute orifice OD. A first valve V1 prevents backflow from an upper chamber CS in which a trigger GAT is axially displaceable the latter is biased by a spring R1 as is the valve V1. The upper chamber CS opens into the passage CT of the extension SAL to deliver the toothpaste past another valve V2 to the bristles of the brush head PC. Claim 8 distinguishes over the art in the nature of the spring loaded valves V1 and V2 and the spring loaded trigger GAT. The TAGHAVI-KHANGHAH Patent 6,179,503 is no longer applicable under 35 USC 102(b) since it does not have spring loaded valves at 24 and 34 or a spring loaded trigger at 26 which moves axially. Furthermore, it is difficult to discern a variable volume upper chamber in this reference.

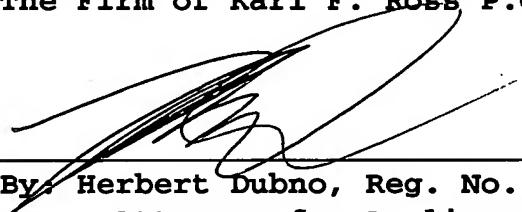
The rejection under 35 USC 102 should therefore be withdrawn.

The Examiner has made a rejection in the case on a combination of TAGHAVI-KHANGHAH in view of GLOVER et al which Applicant does not believe would be pertinent to claim 8. There is an axially displaceable trigger in GLOVER et al but there is no valve at the upper orifice 38 of this reference. Nor is there, as far as Applicant can tell, any valve at 106. As a consequence, in purely functional terms, GLOVER et al does not operate in the same way as TAGHAVI-KHANGHAH and thus there would be no motivation to combine these references outside Applicant's own disclosure (see W. L. Gore and Assocs., Inc. V. Garlock, Inc, 220 USPQ 313 and Panduit Corp. V. Dennison Manufacturing Co., 227 USPQ 337).

Under these circumstances, in the absence of a teaching in one or another of the references pointing to the combination (Ashland Oil, Inc. V. Delta Resins and Refractories, Inc. 227 USPQ 657), the combination of GLOVER et al with this primary reference cannot be considered to be obvious and claim 8 should therefore be considered to be allowable along with claims 9 to 12. An early notice to that effect is earnestly solicited.

A petition for an automatic one month extension of the term is enclosed together with a PTO 2038 charge form.

Respectfully submitted,
The Firm of Karl F. Ross P.C.



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Enc: Replacement Sheet
Substitute Specification
Marked up copy of Specification
Petition for Extension
PTO 2038 Charge Form

January 25, 2006
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